

IN THE TENNESSEE REGULATORY AUTHORITY REC'D TN
NASHVILLE, TENNESSEE REGULATORY AUTH.

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IN RE:

ACCUTEL

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OFFICE OF THE
DOCKET NO. 99-00332
EXECUTIVE SECRETARY

PETITION FOR INFORMATION AND TO SHORTEN TIME FOR RESPONSE

Comes the Consumer Advocate Division and petitions the Tennessee Regulatory Authority for information not in the possession of the Authority regarding Accutel and to shorten the time for Accutel's response. For cause the Consumer Advocate would show:

1. The Consumer Advocate Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 to initiate or participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA) including a Petition for Information.
2. That the Consumer Advocate has sought to examine information in the Authority's possession, including but not limited to, the books, records and financial information of Accutel, and its affiliate companies, and companies acting on behalf of and billing for Accutel and additional information as identified in exhibit A attached hereto.
3. That the requested information is not in the Authority's possession.
4. That Accutel is a reseller of Telecommunications services. Its mailing address is P.O.

Box 1610 Boca Raton, FL 33429-1610; its location at 1060 S. Federal Hwy., Suite A, Delray Beach, FL 33444; and its agent for service of process is Joseph Martin Jr. at the address of 230 4th Avenue North, Third Floor, Nashville, TN 37129-4994.

5. That there have been a number of consumer complaints regarding Accutel, including but not limited to slamming and false billing.
6. That the Consumer Advocate Division seeks the information to evaluate whether it should recommend that the Attorney General initiate legal proceedings to represent the interests of Tennessee consumers in any administrative or judicial forum and to recover any restitution and damages owed Tennessee consumers, including but not limited to, Tenn. Code Ann. § 65-4-125, 65-4-122, Authority Rules, and the Consumer Protection Act.
7. That the information sought by the Consumer Advocate Division is relevant and important to the above referenced decisions.
8. That the Consumer Advocate Division respectfully requests that the Tennessee Regulatory Authority set the time by Accutel, its affiliates, and any persons or contracting or billing allegedly arising from Accutels' responses to any inquiry of the Consumer Advocate Division to ten (10) days so that the Consumer Advocate Division's inquiry may proceed rapidly so that if any potential harm to consumers exists it can be evaluated.
9. That the Tennessee Regulatory Authority issue subpoenas for the depositions of Accutel employees, including but not limited to Arne Soreide and Donna Kim, by the Consumer Advocate Division.

Wherefore, the Consumer Advocate Division prays that the Tennessee Regulatory

Authority grant the Division's Petition for Information and shorten the time for Accutel, and its affiliates, billing contractors or companies billing consumers for charges allegedly arising from Accutel to provide any information requested by the Consumer Advocate Division to ten (10) days.

Respectfully submitted,

L. Vincent Williams
L. Vincent Williams
Consumer Advocate *by Vance Swemel*
Office of the Attorney General & Reporter
425 Fifth Avenue North, Second Floor
Nashville, TN. 37243-0500
615-741-8700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition has been mailed postage prepaid to the parties listed below this 7th day of July, 1999.

Joseph Martin, Jr.
230 4th Avenue North
3rd Floor
Nashville, TN 37219-4994

Vance C. Swemel
L. Vincent Williams

REQUESTED INFORMATION

EXHIBIT A

1. Please produce a listing of all people and entities presently being billed in Tennessee. The listing should include full name, address, telephone number, and the date service was initiated. Please provide a copy of Tennessee Regulatory Authority's form UD-16 for Accutel for the calendar year 1998, to be filed in compliance with Tennessee law by April 1, 1999.
2. Produce an organization chart including AccuTel, its parent company, and all affiliates; including names, addresses and telephone numbers.
3. Provide an organization chart identifying the officers, managers, and directors of AccuTel, its parent, and all affiliates.
4. Produce the names of all shareholders owning or controlling ten (10) percent or more of the stock of AccuTel, its parent, and each affiliate.
5. Provide a listing of all persons, companies & contractors who provided or are providing any of the following: telemarketing, billing services, etc. (including names, addresses, phone numbers, and the period of services provided from October 26, 1996 (date of application with the Tennessee Regulatory Authority) to the present).
6. Produce a copy of each and every contract between Accutel or on behalf of Accutel, with all persons, companies & contractors who provided or are providing, telemarketing, billing services, etc. including names, addresses, phone numbers, and the period of services provided from October 26, 1996 (date of application with the Tennessee Regulatory Authority) to the present.
7. Provide copies of AccuTel's financial statements (monthly, quarterly, and annual including audited financials with auditor's reports). If AccuTel is a member of a consolidated group, also provide the monthly, quarterly, and annual financial statements for the consolidated group.
8. Identify the revenues for customers by month (for Tennessee and national) and a summary of the number of customers billed (for Tennessee and nationally); also the total revenue billed including those persons that are not prescribed to AccuTel (also include the total number of subscribers for Tennessee and national) for the period October, 1996 to the present.

9. Provide a copy of all contracts with affiliated companies and contractors that provide services to AccuTel; including, but not limited to: telemarketers, billing companies, information systems, etc.
10. Provide a copy of each order pertaining to actions taken by other states or federal agencies, with respect to Accutel, including but not limited to decertifications, fines, finding of commission rules or state statutes and settlements with such agencies.
11. Provide a summary of banks and account numbers utilized by Accutel involved in its business.
12. Identify services rendered by parent and affiliates to AccuTel and the resulting amounts of compensation paid for each on a monthly basis from October, 1996 to the present.
13. Describe in detail including dates, names of individuals (and the company in California) involved in the AccuTel form letter sent to the Tennessee Regulatory Authority as referenced from Camara L. Hall, Assist to Vice President (AccuTel Communications, Inc.):

"In response to the complaint from your office dated _____, I have researched this account and found that, during the months of November and December (1998) we had problems with our new in house billing and rating program. We found that our database was corrupted, in which it processed inactive customers as active customers. We then sent our server to California for repair in December 22, 1998, to purge corrupted files." Please furnish the following involved with that incident:

- Describe the nature of the problem
 - How the problem came to be discovered
 - Time from discovery of the problem until it was resolved (include dates and names of individuals involved with discovery and resolution)
 - names of all subscribers involved in Tennessee, revenues billed during that period (Tennessee and other states), analysis performed regarding improper billing (including customer names, addresses, and amounts of adjustments)
 - name, address, and telephone number of company in California assigned to correct the problem, also include:
date the server was shipped and arrived in California, name, and phone number of the individual responsible for correcting the problem
 - the method used to continue in-house billing and rating while the server was being repaired (include names addresses and amounts associated)
14. Provide all correspondence with TSC and with OAN, concerning billing records transferred to OAN by TSC incorrectly identified as not being "customers" of AccuTel (identify Tennessee and subscribers of other states).
 15. Describe in detail any analysis performed identifying the magnitude (in revenue and

numbers of customers) attributable to subscribers in Tennessee as well as other states who were incorrectly identified by TSC as AccuTel customers. If documentation does not exist, explain why no such analysis was performed.

16. Identify by month, the number of complaints from customers in Tennessee also identify the number of complaints resulting in adjustments or refunds and associated revenue adjusted (by customer) from October, 1996 to the present.
17. Provide copies of all manuals directing or instructing employees, agents, or affiliates of Accutel regarding billing, marketing, customer service, instructions, operating procedures, directives, etc. relative to: transferring customer's long distance service, establishing customer accounts, resolving customer complaints, and billing adjustments.
18. Identify the methodology of soliciting customers and verifying switch of long distance or other services, including verification tapes, etc., for customers in Tennessee. If the methodology has changed identify the date and explain the reason for the change.
19. Identify all services offered to Tennessee customers; i.e., interstate long distance, intrastate interLATA long distance, intraLATA long distance, paging, etc.
20. Identify all names under which AccuTel, its parent, and its affiliates have or are now offering service to customers in Tennessee.
21. Identify all names under which AccuTel, its parent, and its affiliates are authorized to offer service to customers in Tennessee.
23. Provide copies of all scripts used by telemarketers to solicit customers on behalf of AccuTel.